

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 15008 of 2005

Between:

Smt. Tata Suseela, W/o. Venkateswara Rao,
Flat No. 101, Madhuranagar, Hyderabad,

..... PETITIONER

AND

- 1 District Collector, Visakhapatnam,
- 2 The Mandal Revenue Officer, Anandapuram Mandal, Visakhapatnam District,
- 3 The Sub Registrar, Bheemunipatnam, Visakhapatnam District,
- 4 Mamidi Appala Narsayya, S/o. Gurayya,
Visakhapatnam District,
- 5 Maidi Ramu, S/o. Appalanarsaiah,
Visakhapatnam District,
- 6 Sambarki Narayanamma W/o. Apparao,
Chinagadli Mandalam, Visakhapatnam District,
- 7 Parupalli Kamamma W/o. Bangaraiah,
D.No. 30-34-232, R & B Office Road, Ambarkar Colony, Visakhapatnam ,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents 1 to 3 in not following G.O.Ms.No. 281 Revenue (B.I) Dept. dt. 2-2-1978 is bad, illegal, and also in issuing the impugned proceedings Rc.No. 282/2001/A dt. 16-5-2005 to the petitioner is violative of principles of natural justice, consequently set aside the same in the interest of justice and pass such other just orders in the circumstances of the case.

Counsel for the Petitioner:MR.KURITIBHASKARA RAO

Counsel for the Respondent No1 to 3.: GP FOR REVENUE

Counsel for the Respondent Nos.4 to 7: NONE APPEARS.

The Court, at the stage of admission, made the following :

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ORAL ORDER

The petitioner filed the writ petition seeking to declare the action of the respondents in not following the G.O.Ms.No.281, Revenue(B.I) Department, dated 02-02-1978, as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The contention of the petitioner in this writ petition is that she purchased Ac.0.72 cents of land situated in Sy.Nos.153/5, Patta No.733, from respondent Nos.4 to 7 under registered sale deed dated 11-08-2004. After registration the 2nd respondent issued show-cause notice dated 16-05-2005, impugned in this writ petition, informing the petitioner as to why action should not be taken for eviction. Further, it is the case of the petitioner that at the time of purchase of the above said land, respondent Nos.4 to 7 informed her that the above said land was not assigned land. After receipt of the impugned show-cause notice, the petitioner submitted her written explanation but the 2nd respondent is taking steps for dispossessing her from the land in question, is the main grievance in this writ petition.

As could be seen from the written explanation of the petitioner dated 27-05-2005, the petitioner admitted that she is not in possession of the land in question. On the other hand, she requested the 2nd respondent for making arrangement for refund of her amount together with interest from the successors of the original assignee. Therefore, the question of applying the G.O.Ms.No.281 dated 02-02-1978 does not arise as the petitioner is not in possession of the said land in question.

Under the above said circumstances, I do not see any reasons to allow the writ petition. Accordingly the writ petition is liable to be dismissed.

Hence, the writ petition is dismissed. However, the petitioner is at liberty to proceed against the respondent Nos.4 to 7 before the appropriate forum for appropriate relief. In the circumstances, there shall be no order as to costs.

ELIPE DHARMA RAO,J

12TH JULY 2005

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To

- 1 District Collector, Visakhapatnam,
- 2 The Mandal Revenue Officer, Anandapuram Mandal, Visakhapatnam District,
- 3 The Sub Registrar, Bheemunipatnam, Visakhapatnam District.
4. Two CCs to G.P for Revenue, High Court Buildings, Hyderabad(OUT)
5. Two C.D.Copies.